

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

WI-LAN, INC.

Plaintiff,

V.

HTC CORPORATION, HTC AMERICA,  
INC., and EXEDEA, INC.,

Defendants.

Civil Action No. 2:11-cv-68

**DECLARATION OF JON MARON IN SUPPORT OF DEFENDANTS' MOTION TO  
TRANSFER VENUE TO THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON UNDER 28 U.S.C. §1404(a)**

I, Jon Maron, state and declare as follows:

1. I am an employee of HTC America, Inc. ("HTC America"), a defendant in this action. I am the Vice-President responsible for all marketing activities of HTC products in North America. I have personal knowledge of the following facts or access to HTC Corporation ("HTC Corp.") and HTC America employees' corporate information and/or records allowing me to confirm these facts. If called as a witness, I could and would competently testify thereto.

2. HTC Corp. is a Taiwanese corporation with its headquarters in Taoyuan, Taiwan. HTC America is a Washington corporation with its headquarters and its principal place of business in Bellevue, Washington, in the Seattle, Washington area. HTC America is a subsidiary of HTC Corp. (collectively referred to hereafter as "HTC").

3. Exedea, Inc. ("Exedea") is a wholly owned subsidiary of HTC B.V.I. Corp. Exedea remains formally incorporated as a Texas corporation, but has closed its Houston, Texas office, and does not have any office in the United States. In July 2010, Exedea closed down its website. It maintains one employee in Taiwan who serves as its director and secretary.

4. HTC Corp. manufactures cell phones in China and Taiwan that are alleged to infringe the patents-in-suit. HTC Corp.'s operations in the United States are managed by and coordinated through HTC America's headquarters in Bellevue, Washington. The largest concentration of HTC America employees in the United States work in Bellevue, Washington.

5. HTC does not operate any retail stores in the United States and does not conduct any retail operations in the United States. HTC does not sell its cell phones directly to any end-user consumer in the United States. HTC does not ship its phones directly to any individual retail store in any state, including Texas.

6. HTC sells cell phones only to distributors, carriers and third-party vendors in the United States.

7. HTC records and equipment related to the design, manufacture and operation of its cell phones are located in Bellevue, Washington and Taiwan. HTC's records related to corporate finance, marketing, market analyses and forecasts are primarily located in Washington and Taiwan. Sales-and-marketing documents, including sales literature, forecasts, and market analyses that pertain to the U.S. market, are maintained primarily in Bellevue, Washington (and to a lesser degree in Taiwan). Some design and development documents may also be found in HTC America's Bellevue, Washington office. No documents relevant to this action are believed to be located in or near the Eastern District of Texas.

8. HTC currently maintains only one small, temporary office in Austin, Texas, having closed its repair facility in Houston.

9. Most of the HTC engineers, including those who worked on the hardware and software design, development and integration and those who worked on manufacturability of HTC's cell phones work and live in Taiwan. A number of such engineers live and work in the State of Washington. HTC America employees, who all work in or near HTC America's headquarters in Bellevue, Washington, and their knowledge likely relevant to the issues in the present case relating to marketing, distribution, sales and technology of HTC mobile phones, include the following:

- a. Jon Maron, regarding profits and costs of HTC mobile phones as well as general marketing and sales of HTC mobile phones in the United States;
- b. Martin Fichter, regarding product planning and product management; and
- c. Matt Tyler, chief technologist, regarding general technical questions.

10. A relatively small number of engineers also work out of their homes close to customer locations in different parts of America. To the best of my knowledge, no HTC engineers live or work in the Eastern District of Texas. To the best of my knowledge, no HTC engineers live or work within 100 miles of Marshall, Texas.

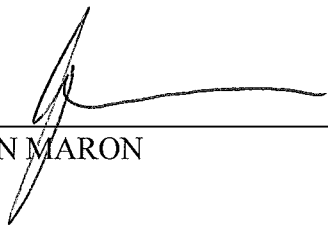
11. HTC Corp. employees with knowledge of technical aspects of HTC phones and distribution of HTC phones to the United States reside in Taiwan, and include the following:

- a. Hsiu Lai, regarding sales, distribution, profits and costs of HTC mobile phones; and
- b. Frank Wu, regarding protocol standardization.

12. I am a resident of Bellevue, Washington. It will be difficult and inconvenient for me to travel to Marshall, Texas in connection with this matter.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing facts are true and correct based on my own personal knowledge. Executed on

8/12, 2011.

  
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JON MARON